

APPROVED MAY 21, 2015

The regular meeting of the Douglas County Board of Commissioners was held on April 16, 2015 in the meeting room of the Tahoe Transportation Center, 169 Highway 50 East, Stateline, Nevada, beginning at 1:30 p.m.

COMMISSIONERS PRESENT: Doug N. Johnson, Chairman; Nancy McDermid, Vice Chairwoman; Greg Lynn, Commissioner; Barry Penzel, Commissioner and Steve Thaler, Commissioner.

STAFF PRESENT: Captain David Aymami, DCSO; Sgt. Pat Brooks, DCSO; Doug Ritchie, Chief Civil Deputy District Attorney; Christine Vuletich, Assistant County Manager/CFO; John Erb, Civil Engineer III; Kathy Lewis, Clerk-Treasurer; Scott Morgan, Community Services Director; Justina Caviglia, Deputy District Attorney; and Laure Penny, Clerk to the Board.

INVOCATION

The Invocation was led by Father Oliver from Our Lady of Tahoe Catholic Church.

PLEDGE OF ALLEGIANCE – Barry Penzel

Barry Penzel led the Pledge of Allegiance

PUBLIC COMMENT (No Action)

Carol Chaplin, Lake Tahoe Visitors Authority, stated next Tuesday the Tahoe Chamber and LTVA are sponsoring their Annual Tourism Forum to be held at the Lake Tahoe Resort Hotel. She commented they went to Park City, Utah, to see how they had revitalized their city and they were able to bring back some good ideas.

Public comment closed.

APPROVAL OF AGENDA

For possible action. Approval of proposed agenda.

Chairman Johnson stated there was a request to pull Items 2i and 2j for discussion.

MOTION by McDermid/Lynn to approve the agenda; carried unanimously.

APPROVAL OF PREVIOUS MINUTES

For possible action. Approval of the Board Minutes of: March 19, 2015 – Work Session and March 19, 2015 – Regular Meeting.

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MOTION by McDermid/Thaler to approve the Minutes for March 19, 2015 Work Session and March 19, 2015 Regular Meeting; carried unanimously.

DOUGLAS COUNTY AWARD PRESENTATIONS

Ceremonial Presentation of Proclamation 2015P-028 proclaiming the month of April 2015, be recognized as National County Government Month in Douglas County. (Jim Nichols)

Vice Chairwomn McDermid reads the Proclamation into the record. Christine Vuletich, Assistance County Manager/CFO, accepted the proclamation.

CONSENT CALENDAR

MOTION by Lynn/McDermid to approve the Consent Calendar items 2a-2k with items 2i and 2j being pulled for further discussion.

FINANCE

2a. For possible action. Discussion on approval of the County Manager's recommendations for use of the General Fund Adjusted Opening Fund Balance of \$528,867, which is available for appropriation based on actual operating budget results from Fiscal Year 2013-14. (Marcie Schurke)

MOTION to approve;

2b. For possible action. Report on general ledger cash balances through March 27, 2015 per NRS 251.030. (Katherine Bradshaw)

MOTION to approve;

DOUGLAS COUNTY LIQUOR BOARD

2c. For possible action. Discussion to approve the On-Site Unrestricted Liquor License and Entertainment Endorsement for Tahoe Moonshine Distillery dba Tahoe Moonshine Speakeasy represented by Jeffrey S. Vanhee, owner/operator. Jeffrey S. Vanhee has signed the Waiver of Notice of Hearing. Tahoe Moonshine Speakeasy is located at 148 Highway 50, Stateline, Nevada 89449. (Sgt. Pat Brooks)

MOTION to approve;

2d. For possible action. Discussion to approve the addition of an On-Site Unrestricted Retail Liquor License to the existing Packaged Retail Liquor License for Dart Beverage Center, Inc. dba Dart Liquor represented by Michael P. Murphy, owner/operator. Michael P. Murphy has signed the Waiver of Notice

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**of Hearing. Dart Liquor is located at 148 Highway 50, Stateline, Nevada 89449.
(Sgt. Pat Brooks)**

MOTION to approve;

DISTRICT ATTORNEY

**2e. For possible action. Discussion on approval of: 1) an updated Franchise Agreement with Southwest Gas Corporation to provide gas service to Douglas County residents through May 1, 2025, and imposing a Franchise Fee of 2% of Southwest Gas Corporation's gross revenue from the sale of gas within the County; and 2) a related agreement requiring the County to annually pay a portion of the Franchise Fee equal to 2% of Southwest Gas Corporation's net profits to the Douglas County School District as mandated by NRS 709.110.
(Zach Wadlé)**

MOTION to approve;

AIRPORT

2f. For possible action. Discussion to approve a revision to the grant of an easement to NV Energy for 14,696 square feet for the underground distribution of electricity consisting of cables, conduit, duct banks, and manholes to Land Lease LL056, Empire Capital Holdings. (Pinon Aero and Bobbi Thompson)

MOTION to approve;

COMMUNITY DEVELOPMENT

2g. For possible action. Discussion to grant a permanent public access easement and a temporary construction easement to Kingsbury General Improvement District (KGID) on a portion of APN 1318-22-002-104, commonly referred to as the Kahle Drive Detention Pond. (Erik Nilssen)

MOTION to approve;

PUBLIC WORKS

2h. For possible action. Discussion to approve an agreement between Douglas County and Residential Property Investment, LLC to grant an easement to Douglas County in exchange for the waiver of a connection fee to the Cave Rock/Uppaway Water System that expires on December 31, 2020, and other nominal consideration. (Carl Ruschmeyer)

MOTION to approve;

2i. For possible action. Discussion for the County Manager to approve Cooperative Agreement Number R152-14-010 between Douglas County and the

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State of Nevada, in the amount of \$30,000.00, for improvements Structure B-287 (Cottonwood Slough) on State Route 756 (Centerville Lane). (Jon Erb)

This item was pulled for further discussion.

2j. For possible action. Discussion for the County Manager to approve Cooperative Agreement between Douglas County and the State of Nevada, in the amount of \$30,000.00, for improvements on State Route 756 (Centerville Lane) to include bike lanes. (Jon Erb)

This item was pulled for further discussion.

COUNTY MANAGER

2k. For possible action. Discussion to approve a letter to Senator Dean Heller to support the effort of the I-11 Transportation Corridor which could reduce truck traffic through downtown on the US 395 main street and promote industrial and economic tourism growth. (Jim Nichols)

MOTION to approve;

MOTION; carried unanimously.

ADMINISTRATIVE AGENDA

CONSENT CALENDAR ITEMS PULLED FOR FURTHER DISCUSSION:

2i. For possible action. Discussion for the County Manager to approve Cooperative Agreement Number R152-14-010 between Douglas County and the State of Nevada, in the amount of \$30,000.00, for improvements Structure B-287 (Cottonwood Slough) on State Route 756 (Centerville Lane). (Jon Erb)

Jon Erb, Civil Engineer III, stated this item is a Transportation Alternative Plan (TAP) Grant they received from NDOT. The Grant is to widen the Cottonwood canal. The contract is going to be designed and administered by NDOT and upon completion NDOT will send an invoice for the County's 5% match. Mr. Erb explained NDOT wants to get started and they need to have a project number. This agreement was in the upcoming fiscal year and since we are in the current fiscal year Mr. Erb was bringing it to the Board for approval.

Vice Chairwoman McDermid stated it was good to get this grant and improve the bridge.

No public comment

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MOTION by Lynn/Penzel to authorize the County Manager to sign Cooperative Agreement Number R152-14-010 between Douglas County and the State of Nevada, in the amount of \$30,000.00, for improvements to Structure B-287 on State Route 756; carried unanimously.

2j. For possible action. Discussion for the County Manager to approve Cooperative Agreement between Douglas County and the State of Nevada, in the amount of \$30,000.00, for improvements on State Route 756 (Centerville Lane) to include bike lanes. (Jon Erb)

Jon Erb, Civil Engineer III, stated this was another TAP Grant they were successful on obtaining from NDOT. The Grant is a reimbursement program. Douglas County will administer and fund the project and then invoice NDOT to be reimbursed up to 95%.

Vice Chairwoman McDermid asked if that will start this season. Mr. Erb responded they will start the design this season. He also mentioned this grant will only cover bike lanes from the Cottowood canal to the intersection of State Route 756 and Lampe Park.

Doug Ritchie, Chief Civil Deputy District Attorney, explained it's a \$600,000 project with a 5% match, which is the \$30,000. He also mentioned the County is responsible for anything over the \$600,000. The total project is \$631,579. The County will pay upfront and then submit for reimbursement up to \$600,000.

Commissioner Lynn stated he believed with this project we were removing the argument of the right-of-way on the Connectivity project to the Ranchos.

Commissioner Thaler commented between State Route 756 and Waterloo there are properties that have made additions and put in walkways. Commissioner Thaler wanted to know if this project will tie into the walkways or will it be separate? Mr. Erb responded it will be separate.

Vice Chairwoman McDermid asked if this just goes to the intersection. Mr. Erb responded yes. She then asked what about on Waterloo past Lampe Park to Hwy 395? Mr. Erb responded he currently has a design for the reconstruction of Waterloo Lane through the Lampe Park area. They will be widening the road, put in bike lanes and the on street parking will be gone.

Commissioner Penzel asked what fund reserve the money would be coming out of. Mr. Erb responded it will come out of the RTC reserve.

No public comment.

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MOTION McDermid/Lynn to authorize the County Manager to sign a Cooperative Agreement between Douglas County and the State of Nevada, in the amount of \$31,579, for improvements on State Route 756 (Centerville Lane) to include bike lanes; carried unanimously.

COUNTY MANAGER

3. Presentation regarding the AMGEN Tour of California Women's Races on May 8-9, 2015. (Carol Chaplin, Executive Director of the Lake Tahoe Visitors Authority)

Carol Chaplin, Lake Tahoe Visitors Authority, present the AMGEN Tour of California Women's Race. She stated the women have been asking for a more challenging race and this year the first 2 stages will be raced in South Lake Tahoe. It is a sanctioned race and there are 14 teams competing. Stage 1 will start and end at Heavenly Mountain Resort California Base. They are expecting traffic delays and there are rolling closures associated with the race. Stage 2 will be a 2 loop circuit and will start & finish Heavenly Mountain Resort California Base. She thanked the Douglas County Sheriff's office for helping with the race. She mentioned they were setting up a festival at the Heavenly Mountain Resort California Base for both days. Ms. Chaplin also mentioned a non-profit organization called Ride 2 Recovery. They are bringing their women's program here and having an Honor Ride on Friday, May 8, 2015 at 11:30 a.m. It is to raise money for women veterans that have been traumatized during service.

This was for presentation only.

SHERIFF

4. For possible action. Discussion on approval, approval with conditions, or denial of a Special Event Entertainment Endorsement Application submitted by Paula Lochridge, representing Main Street Gardnerville district (see attached map) for five live entertainment events to be held in conjunction with the Thirsty Third Thursday Wine Walks on the following Thursdays: May 21, June 18, July 16, August 20 and September 17, 2015, beginning at 4:30 pm and ending at 7:30 pm, with an expected attendance of approx. 300-500 people. (Sgt. Pat Brooks)

Sergeant Pat Brooks, Douglas County Sheriff's Office, stated this item was supposed to be on consent but there were some clerical errors. The Special Events Application states the applicant is limited to 4 events under County Code Title 5 but because these organizations do not have a full time alcohol license they are not limited to 4 events they can have up to 12 events.

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No public comment.

MOTION by Lynn/McDermid to approve a Special Event Entertainment Endorsement Application submitted by Paula Lochridge, representing Main Street Gardnerville; carried unanimously.

5. For possible action. Discussion on approval, approval with conditions, or denial of a Special Event Entertainment Endorsement Application submitted by Willy Webb, representing Greater Genoa Business Association for six live entertainment events to be held in conjunction with the Sweet Sippin' Sunday Wine Walks on the following Sundays: May 3, June 7, July 5, August 2, September 6, and October 4, 2015, beginning at 1:00 pm and ending at 4:00 pm, with an expected attendance of approx. 175-250 people. (Sgt. Pat Brooks)

Sergeant Pat Brooks, Douglas County Sheriff's Office, stated the comments made on Item 4 are the same for this item.

PUBLIC COMMENT

Willy Webb, Chair for Greater Genoa Business Association, wanted to clarify there was a clerical error and it's not a 4 event rule. Vice Chairwoman McDermid explained the problem with this item was the recommended motion required approval; approval with conditions or denial and because of that it could not be heard on the consent calendar. She believes in the future the recommended motion will be either approve or deny.

Public comment closed.

MOTION by McDermid/Penzel to approve Special Event Entertainment Endorsement Application submitted by Willy Webb, representing Greater Genoa Business Association; carried unanimously.

DISTRICT ATTORNEY

6. For possible action. Discussion on the introduction of Ordinance 2015-1435 updating Douglas County Code Chapter 2.50 Douglas County Law Library, to be consistent with NRS chapter 380 (Law Libraries) and all other properly related matters. (1st Reading) (Justina Caviglia)

Justina Caviglia, Deputy District Attorney, stated she had been working with Judge Young and they had updated the section of the Douglas County Code that has not been updated for quite a few years. They are trying to keep it consistent with NRS 380. This ordinance will reduce the number of Board members, the number of

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required meetings and it also brings the Board into compliance with recording the meetings.

No public comment.

MOTION by McDermid/Penzel to introduce Ordinance 2015-1435 updating Chapter 2.50 Douglas County Law Library to be consistent with NRS chapter 380 (Law Libraries) and all other properly related matters; carried unanimously.

COMMUNITY SERVICES

7. For possible action. Discussion on the approval of Resolution 2015R-029 authorizing the Community Services Director to apply and sign related documents for a Federal Lands Access Program (FLAP) Grant for the US/South Shore community revitalization project in Stateline. (Scott Morgan & Carl Hasty)

Scott Morgan, Community Services Director, explained this action is for authorization to apply for the Federal Lands Access Program (FLAP) Grant.

Vice Chairwoman McDermid wanted to know since this was transportation related why Mr. Morgan, and not Jon Erb, was presenting this item. Mr. Morgan explained Public Works had asked them and there is a nexus with the Stateline to Stateline bike path.

Commissioner Penzel wanted to know who would be receiving the \$10,000 fee. Carl Hasty, Tahoe Transportation District, responded if the project is successful in getting the grant the project will be working with the Federal Lands Highway group out of Denver, Colorado. The Federal Lands group will match the \$10,000 with \$75,000. They will then develop a project plan where they are validating everything that has been proposed. Commissioner Penzel commented this is actually a match paid to the Federal government. Mr. Hasty responded the District has been successful with the grant and is using it on the Hwy 28 & SR 89 projects. This money comes with the Federal Highway group who will deliver the project for the applicant. Commissioner Penzel wanted clarification on whether it was a fee or a match. Mr. Hasty responded it is essentially a match because the Federal Highways will be contributing \$75,000 to prepare the project report and they will be working with the Project Decision Committee. Commissioner Penzel wanted to know what fund the money will come out of. Mr. Morgan responded they are using project money from the Lake Tahoe Lodgers Tax Fund that was a special 1% license fee set aside for park related projects.

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Vice Chairwoman McDermid stated the 1% license fee goes into the TD Fund which was to be used for projects in the Lake Tahoe Basin in Douglas County that would benefit visitors. She believes this project is an appropriate use of the funds.

Commissioner Lynn asked if the grant was \$75,000. Mr. Hasty responded the grant is \$10 million. The \$75,000 is for the project delivery plan; after the project delivery plan it then developments into the project schedule.

Commissioner Penzel asked since this is a \$10 million project does that mean we have to come up with an additional match. Mr. Hasty responded the Edgewood Companies contribution is the match.

No public comment.

MOTION by McDermid/Thaler to approve Resolution 2015R-029 authorizing the Community Services Director to apply for and sign related documents for a Federal Lands Access Program (FLAP) Grant for the US/South Shore community revitalization project in Stateline; carried unanimously

COUNTY MANAGER

8. For possible action. Discussion and direction to staff regarding legislation or legislative issues proposed by legislators or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues that may impact Douglas County as may be deemed by the Board of County Commissioners.

Chairman Johnson talked about NACo. Bills AB 10 – still ongoing; AB 80 – failed a deadline so no further action; SB 11 – failed a deadline but it then became SB 229 and SB 30 – language has been cleared up.

Commissioner Lynn commented many threatening Bills have died in Legislature but there are still many out there.

Commissioner Thaler stated there is a Bill regarding Peace Officers wearing cameras and it has a huge fiscal impact and he felt it shouldn't fall off the radar. Vice Chairwoman McDermid commented if the Bill goes forward it will not be mandatory it will be enabling, in other words, you "may". She stated the cost is huge and we need to continue watching the Bill.

Commissioner Penzel talked about the Bills regarding the Subconservancy. They are Bills AB 77 – still alive; AB 374 - died in Legislature; AB 353 - died in Legislature;

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and SB 28 - died in Legislature. There were also Bills requiring the Mining Industry to get water rights for pit mines and to restrict fracking both died in Legislature.

9. Reports/updates from County Commission members concerning the various boards and/or commissions that they may be a member of or a liaison to or meetings/functions they have attended. These boards/commissions/meetings include but are not limited to the: Nevada Association of Counties; Carson Water Subconservancy District; Lake Tahoe Visitors Authority; Tahoe Regional Planning Agency; Law Library; NevadaWorks; Carson Valley Chamber of Commerce, Carson Valley Visitors Authority; Tahoe Douglas Visitors Authority; Lake Tahoe South Shore Chamber of Commerce; Western Nevada Development District; Regional Transportation Commission; Nevada Tahoe Conservation District; Nevada V & T Railroad Commission; Joint Powers/Waste Management; Tahoe Transportation District, and the Debt Management Commission. There will be no discussion or action taken on these reports/updates.

Vice Chairwoman McDermid stated the TRPA Governing Board will be meeting on Wednesday and doing their annual retreat/strategic priority setting for the agency. Then they meet on Thursday for the regular meeting. She mentioned she was at the Rural Round Up which was held at the Senior Center and put on by the Carson Valley Visitors Authority. All the counties and visitor authorities came.

CLOSING PUBLIC COMMENT (No Action)

No public comment.

MOTION by Thaler/McDermid to adjourn the meeting; carried unanimously.

There being no further business to come before the Board, the meeting adjourned at 2:29 p.m.

Respectfully submitted:

Doug N. Johnson, Chairman
Douglas County Board of Commissioners

ATTEST:

Kathy Lewis, Clerk-Treasurer